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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,550	06/30/2003	Ben Smith	0026-0027	7373

44989 7590 10/04/2007

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2146	

MAIL DATE	DELIVERY MODE
10/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/608,550	SMITH ET AL.	
	Examiner	Art Unit	
	Sulaiman Nooristany	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

This Office Action is response to the application filed on 30 June 2003

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 11-14, 16-21, 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Srinivasan** U.S. Patent App. Publication No**. US 2002/0042738.** in view of **Mason** U.S. App. Publication No. **US 2022/0161648**

Regarding claims 1 &16, Srinivasan teaches wherein, a system for detecting click spam at a web site, comprising:

means for identifying normal users visiting a web site **(information derived from user logins, cookies stored on the user's machine and through the user's IP address -- [0049]).**

With respect to claim 1 &16, Srinivasan teaches the invention set forth above except for the claimed *"means for determining an occurrence of click spamming on the web site based at least in part on a behavior of the identified normal users"*

Mason teaches that its well known to utilize the means for determining an

occurrence of click spamming on the web site based at least in part on a behavior of the identified normal users **(The computing devices which are used to run and monitor the methods can be automatically programmed to substitute a more successful banner for a less successful banner (spammed banner) according to one or more pre-determined criteria, e.g., if the number of click-through is different by a pre-determined percentage -- [0029]).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan's invention by monitoring the number of click-throughs on each of the ads, a more successful derivative advertisement link, i.e., one which receives a greater number of click-through, can be substituted for the less successful banners, as taught by Mason.

Regarding claim 11, Srinivasan and Mason taught together the method of claim 1, as described above. Srinivasan further teaches wherein, each of the users is associated with a network address **(IP address)**, and

wherein the identifying normal users includes:

identifying the normal users based at least in part on the network addresses associated with the users **(information derived from user logins, cookies stored on the user's machine and through the user's IP address – [0048])**.

Regarding claim 12, Srinivasan and Mason taught together the method of claim 1, as described above. Srinivasan further teaches wherein, the web site includes at least one advertisement (**banners on the web pages)**,

determining a click rate of the at least one advertisement for the identified normal users **(TABLE. 1 on Page. 7)**, and

determining that the at least one advertisement has been spammed when the click rate of users visiting the web site exceeds the determined click rate for the identified normal users **(the minimum effectiveness threshold is 1% --TABLE. 1, Page. 7).**

Regarding claim 13, Srinivasan and Mason taught together the method of claim 1, as described above. Mason further teaches wherein, the click rate includes a range of click rates (**the soup company could purchase a million hits on one or a number of URLs or 15,000 click-throughs from one or a plurality of URLs – [0024])**.

Regarding claim 14, Srinivasan and Mason taught together the method of claim 1, as described above. Srinivasan further teaches wherein the web site includes at least one advertisement (**banner**),

wherein the identifying includes:

determining a percentage of a number of users visiting the web site in a time period that are normal users **(It is estimated that the website receives 100,000 visitors a day – [0114])**, and

Mason further teaches wherein determining an occurrence of spamming includes:

estimating a percentage of normal users selecting the at least one advertisement during the time period to be approximately the percentage of normal users visiting the web site during the time period **(if it is found that a soup advertisement is receiving more click-throughs in the late afternoon and ads for a financial services firm are receiving more click-throughs early in the morning, then the placement of those particular ads can be modified in order to maximize the number of click-throughs for the advertisers – [0029])**

Srinivasan further teaches wherein determining that the at least one advertisement has been spammed when an actual percentage of normal users selecting the at least one advertisement during the time period is lower than the estimated percentage of normal users selecting the at least one advertisement during the time period **(Page. 7, TABLE. 1)**.

Regarding claims 17, Srinivasan and Mason taught together the system for determining a click-spam at a website, as described in above. Therefore, Srinivasan and Mason also teach a computer-readable medium containing instructions for controlling at least one processor to perform a method for detecting click spamming of an advertisement on a server, the method comprising:

Srinivasan teaches wherein determining a number of normal users accessing the

server **(information derived from user logins, cookies stored on the user's machine and through the user's IP address -- [0049])**

determining a percentage of the normal users clicking the advertisement when the advertisement is displayed to the normal users **(TABLE. 1, Page. 7)**; and

determining whether the advertisement has been click spammed based at least in part on the determined percentage **(if the measured effectiveness of an advertisement does not meet a minimum threshold, it is deleted from the advertisements -- [0112], Page. 7, TABLE. 1).**

Mason further teaches wherein determining a percentage of the normal users clicking the advertisement when the advertisement is displayed to the normal users; and determining whether the advertisement has been click spammed based at least in part on the determined percentage **(if the derivative advertisement links from one original ad are receiving 20% more click-throughs than the derivative advertisement links created from a second original ad, then some or all of the placements of the second original ad can be automatically replaced by the more successful ad -- [0029]).**

Regarding claim 18, Srinivasan and Mason taught together a system and computer readable medium, as described in above. Therefore, Srinivasan and Mason also teach a server comprising:

Mason teaches wherein a memory configured to store at least one advertisement **(memory of computing device -- [0015])**; and

A processor configured to **(a central processor -- [0016)**:

Cause the at least one advertisement to be displayed **(displayed on a computer screen -- [0016])**,

Mason further teaches wherein determining a percentage of the normal users clicking the advertisement when the advertisement is displayed to the normal users; and determining whether the advertisement has been click spammed based at least in part on the determined percentage **(if the derivative advertisement links from one original ad are receiving 20% more click-throughs than the derivative advertisement links created from a second original ad, then some or all of the placements of the second original ad can be automatically replaced by the more successful ad -- [0029]).**

Srinivasan further teaches wherein determining a number of normal users accessing the server **(information derived from user logins, cookies stored on the user's machine and through the user's IP address -- [0049])**

determining a percentage of the normal users clicking the advertisement when the advertisement is displayed to the normal users **(the minimum effectiveness threshold is 1% -- [0114])**; and

determining whether the advertisement has been click spammed based at least in part on the determined percentage **(if the measured effectiveness of an advertisement does not meet a minimum threshold, it is deleted from the advertisements -- [0112], Page. 7, TABLE. 1).**

Regarding claim 19, Srinivasan and Mason taught together a system and computer readable medium, as described in above. Therefore, Srinivasan and Mason also teach a method for determining whether an item on a web site has been click spammed, comprising:

Srinivasan teaches wherein identifying a group of normal users visiting the web site **(the population may include every potential customer that visits the website. Alternatively, the population may be clustered or segmented, and only visitors that meet a certain profile are considered to be within the population -- [0100])**

determining a click rate of the item for the group of normal users **(100,000. , click-through rate threshold -- [0114])**

determining whether the item has been click spammed based at least in part on the determined click rate for the normal users **(the minimum effectiveness threshold is 1% was determined -- [0114], see Page. 7, Table. 1).**

Regarding claim 20, Srinivasan and Mason taught together the method of claim 19, as described above. Mason further teaches wherein, determining a total number of users visiting the web site, and wherein the determining whether the item has been click spammed includes:

comparing the determined click rate for the normal users to a click rate for the total number of users visiting the web site (**the central processor can determine the total number of times that a derivative advertisement is accessed by any online accessing devices or the number of times that such ads are accessed from**

different online accessing devices. In this manner, the monitoring and auditing integrity is maintained in order to give the advertiser a true representation of the success of the campaign and to discourage potential fraudulent practices wherein a particular derivative advertising link is accessed repeatedly, many times during a short time period from a single computer in order to increase the perceived number of hits or click-throughs -- [0022]), and

Srinivasan further teaches wherein, determining a total number of users visiting the web site **(A manager for the Internet merchant estimates that 100,000 people visit the website -- [0115]);**

determining that the item has been click spammed when the click rate for the total number of users exceeds the determined click rate for the normal users **(the click-through rate, and the effectiveness threshold is 1% -- [0114] "Note: the threshold value determines whether the ad has been spammed or not").**

Regarding claim 21, Srinivasan and Mason taught together the method of claim 19, as described above. Srinivasan further teaches wherein the identifying includes:

tracking an activity of users visiting the web site (**information derived from user logins, cookies stored on the user's machine and through the user's IP address -- [0048]**), and

Mason further teaches wherein tracking an activity of users visiting the web site and identifying the group of normal users based at least in part on the tracked **(monitoring and auditing integrity is maintained in order to give the advertiser a**

true representation of the success of the campaign and to discourage potential fraudulent practices wherein a particular derivative advertising link is accessed repeatedly, many times during a short time period from a single computer in order to increase the perceived number of hits or click-throughs -- [0022]).

Regarding claim 23, Srinivasan and Mason taught together the method of claim 19, as described above. Srinivasan further teaches wherein, taking remedial measures in response to determining that the item has been click spammed **([0039] -- FIG. 4 is a flowchart illustrating the process used to measure Internet advertising effectiveness by the method and system of the present invention).**

Regarding claim 24, Srinivasan and Mason taught together the method of claim 19, as described above. Srinivasan further teaches wherein, the determining a click rate of the item for the group of normal users includes:

estimating a percentage of normal users visiting the web site **(It is estimated in this example that the website receives 100,000 visitors a day --[0114])**, and

setting a percentage of clicks of the item from normal users to approximately equal the estimated percentage **(the minimum effectiveness threshold is 1%--[0114]).**

Regarding claim 25, Srinivasan and Mason taught together the method of claim 24, as described above. Srinivasan further teaches wherein the determining whether the item

has been click spammed includes:

determining whether an actual click rate of the item for the group of normal users differs from the set click rate **(The statistics typically include, the number of visitors who actually click-through each advertisement – [0084] and also the percentage of visitors to a website that not only click-through the advertisement, but actually buy the advertised product – [0086])**.

Regarding claim 26, Srinivasan and Mason taught together the method of claim 19, as described above. Mason further teaches wherein the determining a click rate of the item includes:

determining different click rates of the item for the group of normal users, the different click rates corresponding to different time periods **(time period –[0022])**.

Regarding claim 27, Srinivasan and Mason taught together the method of claim 26, as described above. Mason further teaches wherein the different time periods include different times of a day or week **(short time period – [0022] "Note: short time period can be any time of a day and or any day of a week)**.

Regarding claim 28, Srinivasan and Mason taught together the method of claim 26, as described above. Mason further teaches wherein, the different time periods include different months of a year **(short time period – [0022] "Note: short time period can**

be any month of a year).

Regarding claim 29, Srinivasan and Mason taught together a computer-readable medium containing instructions for controlling at least one processor to perform a method for detecting a spamming of an advertisement displayed by a server, as described above. The method comprising:

Srinivasan teaches wherein identifying normal users visiting the web site **(information derived from user logins, cookies stored on the user's machine and through the user's IP address -- [0049])**

determining a click rate of the item for the group of normal users (**the click-through rate and the threshold percentage 1% -- [0114])**

determining whether the item has been click spammed based at least in part on the determined click rate for the normal users **(the minimum effectiveness threshold is 1% was determined -- [0114], see Page. 7, Table. 1).**

Regarding claim 30, Srinivasan and Mason taught together a system and computer readable medium, as described in above. Therefore, Srinivasan and Mason also teach a server comprising:

Mason teaches wherein a memory configured to store at least one advertisement (**memory of computing device -- [0015])**; and

A processor configured to **(a central processor -- [0016)**:

Cause the at least one advertisement **(ad or banner)** to be displayed **(displayed on a computer screen -- [0016])**,

Identify a number normal users accessing the server **(information derived from user logins, cookies stored on the user's machine and through the user's IP address -- [0049])**

compare the number of normal users to a total number of users to obtain a percentage (**the central processor can determine the total number of times that a derivative advertisement is accessed by any online accessing devices or the number of times that such ads are accessed from different online accessing devices. In this manner, the monitoring and auditing integrity is maintained in order to give the advertiser a true representation of the success of the campaign and to discourage potential fraudulent practices wherein a particular derivative advertising link is accessed repeatedly, many times during a short time period from a single computer in order to increase the perceived number of hits or click-throughs -- [0022])**,

Srinivasan further teaches wherein set a click rate of the at least one item based at least in part on the percentage **(maximize the click-through rate, and the minimum effectiveness threshold is 1% -- [0114])**, and

determine whether the at least one item has been spammed based at least in part on the click rate **(if the measured effectiveness of an advertisement does not meet a minimum threshold, it is deleted from the advertisements -- [0112], Page. 7, TABLE. 1).**

Claims 2-10, 15 & 22 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Srinivasan** U.S. Patent App. Publication No. **US 2002/0042738.** in view of **Mason** U.S. App. Publication No. **US 2022/0161648.** further in view **of Messer** U.S. Patent App. Publication No. **US 2004/0254813.** further in view of **Ishikawa.** US Patent App. Publication No. **2001/0037314.**

Regarding claims 2-10, 22 & 31, Srinivasan teaches substantial features of the invention as claimed. Srinivasan teaches tracking activities of users visiting the web site **(information derived from user logins [0048]**, an *age of a cookie* associated with each user **(cookies stored on the user's machine and through the user's IP address – [0049]**, a type of browser used by the user (**cookie**), an *interval* at which the user visits the website **(time interval – [0096])**, However, Srinivasan does not explicitly teach *javascript, loading image and tracking activity of the users*.

Mason also teaches wherein *tracking activities* of users visiting the web site **(monitoring (tracking) and auditing the user -- [0022]).**

Ishikawa teaches wherein determining, for each user, at least one of whether the user *loads images* **(Advertising (graphic) link is loaded onto a user's computer – [0015]).**

Messer teaches the user have *javascript* turned on **(Javascript – [0037]).**

It would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Mason for tracking and monitoring users in order to give the advertiser a true representation of the success of the ad campaign.

Motivation would be to provide a clear view of the users devices on the Srinivasan system, as interactive objects, providing the execution of corresponding operations associated with the computing device.

Further it would have been obvious to one ordinary skilled in the art in the time the invention was made to combine the teaching of Ishikawa for loading images onto the user's devices, which will provide a generated confirmation code.

Motivation would be to provide a true recognition of the users devices as suggested by Ishikawa for comparing the users information to aspects of the confirmation code, namely, the user identification at the time the advertisement link is loaded onto the user's computer.

Further it would have been obvious to one ordinary skilled in the art in the time the invention was made to combine the teaching of Messer for a process of JavaScript for tracking down the users activities.

Motivation would be to provide the system with a more flexible, device-oriented perspective of the device on the network, as suggested by Messer for copying and pasting images relating to the product in the designated fields of the web page dedicated to link creation. Once the specific information is placed, the server, via Javascript generates the operative link, including all parameters necessary to implement commerce tracking.

Regarding claim 15, providing a refund in response to determining that the at least one advertisement has been spammed **(Once the information is recorded in the**

advertiser's log, the entry is further passed to an accounting management system, which tracks the amount of *remuneration* owed to each advertiser, this procedure take place while the click is not spam [0052]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sulaiman Nooristany 9/25/2007

JEFFREY PWU
SUPERVISORY PATENT EXAMINER